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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David Jonathan Madge

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EXAMINER

KWON, BRIAN YONG S

ART UNIT

PAPER NUMBER

1614

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Incomplete Applicant's Response to Restriction Requirement

1. The Examiner issued a Restriction Requirement on December 06, 2005 as below (see page 2 of the O.A.).

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 25-26, drawn to a process of using a pharmaceutical product comprising a boronic acid.

II. Claim 27, drawn to a process of making said product.

Inventions I and II are related as process of making and process of using the product. The use as claimed cannot be practiced with a materially different product. Since the product is not allowable, restriction is proper between said method of making and method of using. The product claim will be examined along with the elected invention (MPEP § 806.05(i)).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

2. In addition, applicant is required under 35 U.S.C. 121 to elect a single disclosed species (e.g., the specific compound from the formula I, II, IV, VIII or XI) from under the instant claims of the elected Group. Moreover, whatever specific compound is ultimately elected, applicants are required to list all claims readable thereon.

With the election of a specific exemplified compound, a generic concept will be identified by the examiner as the inventive group for examination.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

In response to the election requirement, applicant elected Group I invention with traverse along with species illustrated by formula VII (Applicant's response filed January 09, 2006).

As seen above, although the Examiner requires a single disclosed species, applicant mistakenly elected subgenus species represented by the formula VII. The Examiner considers that the applicant's election is not fully responsive to the prior Office action.

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2. It is noted that applicant is required under 35 USC 121 to elect a single disclosed species under the instant claims of the elected Group. Moreover, whatever specific compound is ultimately elected, applicants are required to list all claims readable upon the elected invention.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Kwon whose telephone number is (571) 272-0581. The examiner can normally be reached Tuesday through Friday from 9:00 am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached on (571) 272-0951. The fax number for this Group is (703) 872-9306.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Brian Kwon
Patent Examiner
AU 1614

A handwritten signature in black ink, appearing to be 'BK', followed by a long horizontal line extending to the right.